

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN A. CORRION, #601943,

Plaintiff,

v.  
CASE NO. 2:12-CV-12217  
HONORABLE VICTORIA A. ROBERTS

DANIEL HEYNS, et al.,

Defendants.

---

**ORDER DENYING MOTION FOR RECONSIDERATION  
OR FOR A CERTIFICATE OF APPEALABILITY**

This matter is before the Court on Plaintiff's motion for reconsideration or for a certificate of appealability concerning the Court's denial of his application to proceed without prepayment of the filing fee, dismissal of his pro se civil rights complaint, and determination that an appeal cannot be taken in good faith. Plaintiff asserts that he should be allowed to proceed without prepayment of the filing fee despite his three-striker status because he is under "imminent danger" from other inmates due to his age and physical condition.

To fall within the statutory exception to the three strikes rule, a prisoner must allege that the threat or prison condition is 'real and proximate' and that the danger of serious physical injury exists at the time the complaint is filed. *See Rittner v. Kinder*, 290 F. App'x 796, 797-98 (6th Cir. 2008) (citing *Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003); *Abdul-Akbar v. McKelvie*, 239 F.3d 307, 313 (3d Cir. 2001) (en banc)). The events giving rise to Plaintiff's complaint – a judgment issued against him and the withdrawal of assets from his accounts – do not pose a threat of imminent danger of serious physical injury. While Plaintiff asserts in his motion that he has received threats

and/or had altercations with other inmates in the past, he has failed to demonstrate that he is under imminent danger of serious physical injury for purposes of the three strikes rule. The Court finds no reason to reconsider its decision. A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Plaintiff has also not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof as required by Local Rule 7.1(h)(3). Lastly, any appeal of the Court's ruling would be frivolous. Accordingly, the Court **DENIES** Plaintiff's motion for reconsideration or for a certificate of appealability. The Court will not re-open this closed case. No further pleadings should be filed in this matter.

**IT IS SO ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: June 15, 2012

The undersigned certifies that a copy of this document was served on the attorneys of record and John A. Corrion by electronic means or U.S. Mail on June 15, 2012.

S/Linda Vertriest  
Deputy Clerk